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RCE

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/838,077  
Filing Date April 18, 2001  
First Named Inventor Michael E.S. Luna  
Art Unit 2155  
Examiner Name Lazaro, David R.  
Attorney Docket No. 003399.P047

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
  - Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
  - Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - Other \_\_\_\_\_
- Enclosed
  - Amendment/Reply
  - Affidavit(s)/Declaration(s)
  - Information Disclosure Statement (IDS)
  - Other \_\_\_\_\_

2. **Miscellaneous**

- Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
  - RCE fee required under 37 C.F.R. § 1.17(e)
  - Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
  - Other \_\_\_\_\_
- Check in the amount of \$ 790.00 enclosed
- Payment by credit card (Form PTO-2038 enclosed)  
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Jordan M. Becker Registration No. (Attorney/Agent) 39,602  
Signature

Date 3/16/05

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Alma Goldchain  
Signature

Date March 16, 2005

Express Mail No. (only if applicable): \_\_\_\_\_